



United States Attorney
Southern District of New York

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MEMO ENDORSED

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BY ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

19 CV 4002 (LAK)

Re: ***Mohammad Salameh v. United States***, 93 Cr. 180 (LAK)

Dear Judge Kaplan:

The Government respectfully submits this letter in further response to the defendant's motion for the return of property under Federal Rule of Criminal Procedure 41(g). As set forth in the Government's prior letter dated October 10, 2019, Judge Duffy denied an identical motion in 2004. But Salameh correctly points out that the Second Circuit (in *United States v. Salameh*, 261 F.3d 271 (2d Cir. 2001)), modified his restitution and fine obligations. That decision made those obligations contingent upon the realization of future earnings from media contracts and held that "in the absence of such earnings, defendants will not be required to pay any fines or restitution." *Id.* at 277. Judge Duffy's order postdates this Second Circuit decision, but does not reconcile the denial of Salameh's motion to the modified restitution judgement. As a result, it seems that Salameh may be entitled to the return of his property, and the Government will arrange for its return upon order from the Court.

Respectfully submitted,


GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/ Danielle R. Sassoon
Danielle R. Sassoon
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Cc: The defendant (by certified mail)

The government should return
the property to Salameh promptly

SO ORDERED


LEWIS A. KAPLAN, U.S.D.J.

11/19/19